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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,097	12/20/2001	Rainer Hermann	13027.28USWO	1926
23552	7590	08/11/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ARMSTRONG, ANGELA A	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,097	HERMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angela A. Armstrong	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: claim 18 includes “A control device for controlling at least one automatic dispensing”, without specifying the at least one item is a machine, device, or system. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (US Patent No. 5,548,660).

3. Regarding claim 17, Lemelson discloses a control device for controlling at least one automatic machine (Figure 2) comprising identification means whereby a person who is authorized to use or to program the automatic machine can be identified, the identification means comprising a vocal control system which identified an individual authorized person on the basis of previously stored speech patterns and/or voice patterns (col. 5, lines 10-24); a security device that is controlled by the identification means in such a way as to permit or to block access to the vocal control system, depending on whether identification has been succeeded and (Figure 2, col. 5, lines 40-63); (c) speech-pattern-analyzing means that recognizes specific speech-pattern inputs by reference to a speech-pattern library and that associates recognized speech-pattern

inputs with particular parameters to be controlled, channels them and converts them to control signals such that a specified hardware/software receiving section of the automatic machine concerned received the control signal from the vocal input (col. 6, line 57 to col. 7, line 3); (d) a data-collection system which collects the vocal data that have been input and evaluated and which is connected to a cashier system so that the identified and evaluated vocal data can be employed to generate a printed bill (col. 2, lines 57-62).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US Patent No. 5,548,660) in view of Kolls (US Patent No. 6,606,602).

5. Regarding claim 1, Lemelson discloses a control device for controlling at least one automatic machine (Figure 2) comprising identification means whereby a person who is authorized to use or to program the automatic machine can be identified, the identification means comprising a vocal control system which identified an individual authorized person on the basis of previously stored speech patterns and/or voice patterns (col. 5, lines 10-24); a security device that is controlled by the identification means in such a way as to permit or to block access to the vocal control system, depending on whether identification has been succeeded and (Figure 2, col. 5, lines 40-63); (c) speech-pattern-analyzing means that recognizes specific speech-pattern inputs by reference to a speech-pattern library and that associates recognized speech-pattern inputs with particular parameters to be controlled, channels them and converts them to control

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signals such that a specified hardware/software receiving section of the automatic machine concerned received the control signal from the vocal input (col. 6, line 57 to col. 7, line 3).

Lemelson does not specifically teach the automatic machine being controlled is an automatic dispensing machine. Kolls disclosing a vending machine control system having access to the internet for purposes of transacting e-mail, e-commerce, e-business and conducting vending transactions, and describes an unattended business center in which products and services can be vended (including copiers, facsimile machines, printers, personal computers, scanners and traditional vending machines; col. 5, line 24 to col. 6, line 22) which permits or allows access to products or services based on valid ID, such as a smart card or biometric input (hand writing, voice, fingerprint, iris scan; col. 21, lines 36-48).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Lemelson to allow for speech control of an automatic dispensing machine, as suggested by Kolls, for the purpose of providing voice control of a plurality of vending/dispensing machines so as to provide access to products and services to physically impaired individuals.

Regarding claim 2, Lemelson teaches the identification means is designed to analyze the speech signals that are input with respect to a key word (col. 10, lines 33-46).

Regarding claim 3, Lemelson teaches the identification means is designed to analyze the individual speech signals with respect to both a key word and a voice pattern (col. 10, lines 33-46).

Regarding claim 4, Lemelson teaches an identification data bank is provided, which stores several voice patterns and/or key words so as to identify several authorized persons (col. 6, line 57 to col. 7, line 3).

Regarding claim 5, Lemelson teaches the security device can be activated and inactivated (col. 2, lines 48-56; col. 4, line 66 to col. 5, line 3; col. 3, lines 43-47).

Regarding claim 6, Lemelson teaches an indicator that signals both a correctly identified vocal input and also an erroneous, unidentified vocal input (col. 1, line 65 to col. 2, line 5).

Regarding claim 7, Lemelson teaches automatic machines of the same kind or different kinds, which are connected to one another by a network and can each be identified and controlled by its own identification number (col. 10, lines 33-46).

Regarding claim 8, Lemelson teaches every automatic machine is assigned its own key word, so that even such machine can be identified and selected for a control process by means of a specific key word (col. 10, lines 33-46).

Regarding claim 9, Lemelson teaches a data-collection system which collects the vocal data that have been input and evaluated and which is connected to a cashier system so that the identified and evaluated vocal data can be employed to generate a printed bill (col. 2, lines 57-62).

Regarding claim 10, Lemelson teaches the identification apparatus is designed so that it can classify vocal inputs of different authorized persons according to priorities (col. 5, lines 58-64).

Regarding claim 11, Lemelson teaches the classification is carried out with reference to a voice analysis and/or with reference to various key words (col. 10, lines 33-46).

Regarding claim 12, Lemelson teaches the identification apparatus and the speech recognition device are implemented as a software program that can run on a personal computer (Figure 2).

Regarding claim 13, Lemelson teaches a switch that can occupy at least two positions, such that placing the switch in a first position enables a speech pattern to be recorded, and in a second position of the switch a speech pattern can be identified (col. 3, line 56 to col. 4, line 20).

Regarding claim 14, Lemelson teaches the switch is implemented by software and can be controlled by the speech-pattern recognition device in such a way that after a user or an authorized person has been successfully identified, the switch is automatically turned to “RECORD” (col. 3, line 56 to col. 4, line 20).

Regarding claim 15, Lemelson teaches a clearing device, in particular in the form of a key switch or infrared switch, which can turn the switch to “RECORD” (col. 3, line 56 to col. 4, line 20).

Regarding claim 16, Lemelson does not teach a wireless microphone or wireless ordering system that is radio communication with the control device. Kolls teaches the system can be used via remote connection to the network via Internet type connections, telecommunications, satellite and other wire and wireless transmissions (abstract).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Lemelson to implement wireless capabilities, as suggested by Kolls, for the purpose of providing to the user vocal control of a plurality of devices in a plurality of environments and/or networks.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petkovsek (US Patent No. 5,970,458)

Tomassi (US Patent No. 6,711,465)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

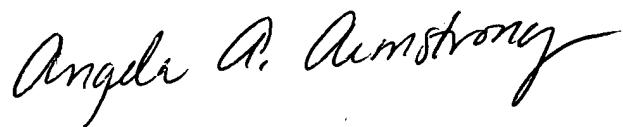
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong  
Examiner  
Art Unit 2654

AAA  
August 8, 2005

A handwritten signature in cursive ink, appearing to read "Angela A. Armstrong".